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HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1030 of 2005

Appellant	Thaneswar Prasad Sharma, S/o Late Shri Visambhar Dayal Sharma, aged about 45 years, R/o Village- Khaira, Post - Jairamnagar, Thana- Masturi, District- Bilaspur (C.G.).
Versus	
Respondent	Vyasnarayan Gond, S/o Nathuram Gond, aged about 30 years, R/o Jairamnagar (Khaira), Thana- Masturi, District- Bilaspur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Vinay Pandey, Advocate for the appellant.

Mr. M. P. S. Bhatia, Advocate for the respondent.

ORAL ORDER

(12th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. In this appeal preferred by the employer, the only contention urged by learned counsel for the appellant is that the respondent/claimant has failed to establish relationship of the employer and employee and therefore, he is not entitled for compensation in terms of the Workmen's Compensation Act, 1923 (for short 'the Act, 1923'). We have perused the impugned award. The contention of learned counsel for the appellant is not well-founded. Though it was contended by learned counsel for the appellant that the claimant/respondent has not produced any evidence whatsoever to show that he was employed by the appellant and he sustained injuries in the course of employment, we could see that the claimant/respondent has examined five

witnesses and all of them in their deposition have stated that the claimant/respondent was employed by the appellant in his oil mill. It is true that the respondent has not produced any documentary evidence obviously because the employer/appellant was not maintaining any register. It has come in the evidence of the appellant/employer that he is not maintaining any register or records. If the appellant/employer has not maintained any register or records, the claimant/respondent producing documentary evidence in support of his employment would not arise. Be that as it may, nothing is shown to us to doubt depositions of five witnesses of the claimant, who deposed before the Commissioner that the claimant was employed in the oil mill and he sustained injuries in the course of employment.

2. It is quite often said and reiterated that the findings of facts recorded by the Commissioner cannot lightly be disturbed or upset unless weighty or substantive ground is made out and the appellate Court is satisfied that the findings recorded by the Commissioner suffer from any illegality. No such ground is made out. No other ground is urged before us while questioning the correctness of the impugned award. The appeal is devoid of merit and it is dismissed. No costs.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge